

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 3 and 5-7 have each been made proper independent claims, each including the limitations of claim 1. In addition, the claims have been amended for clarity.

The Examiner has rejected claims 1-8 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of co-pending U.S. Patent Application Serial No. 10/537,138, filed June 2, 2005, and assigned to Koninklijke Philips Electronics N.V., the assignee of the subject application.

Enclosed herewith is a Terminal Disclaimer references said U.S. Patent Application.

The Examiner has rejected claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,549,503 to Matos. Applicants acknowledge that the Examiner has found claims 3-8 allowable over the prior art of record.

In view of the above changes, Applicants believe that claims 3-8 should now be allowed.

The Matos patent discloses a disc player system in which a pattern is applied to an information disc, and when the disc is rotated this pattern appears as a blur. However, when a strobe light is shone on the information disc pulsing at a frequency

corresponding to the rotation frequency of the disc, the pattern is then discernable by a user.

The subject invention relates to an information carrier intended to be rotated. The information carrier includes "display means for displaying image data, said display means being attached to said information carrier and being spatially located in a spatial position", and "processing means, attached to said information carrier, for periodically sending, to said display means, image data having the same spatial position as said display means".

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed.Cir.1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed.Cir.1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir.1990).

The Examiner has indicated that Matos discloses the display means, i.e., display 19, and the processing means, i.e., disc reader (col. 9, lines 50-65) "for periodically sending display

means 19 image data having the same spatial position as display mean (see column 10, lines 27-37)."

Applicants submit that the Examiner is mistaken. In particular, the display 19 and the disc reader of Matos are parts of the disc player system, i.e., Matos does not disclose or suggest an information carrier comprising the display 19 and the disc reader. To further emphasize this difference, claim 1 has been amended to indicate that the display means and the processing means are attached to the information carrier.

Applicants further submit that Matos is silent as to what is being displayed by the display 19 of Fig. 3 (or the display 105 of Fig. 10). In fact, the only mention of display 19 in Matos is at col. 10, line 14, and this is only to indicate its existence. Similarly with the display 105 of Fig. 10, which is only mentioned at col. 14, line 20.

Further, there is no disclosure that the data being read by the disc reader is image data that is to be applied to the display 19 (or 105).

In summary, Applicants submit that Matos neither discloses or suggests a disc (information carrier) comprising display means and processing means, in that the display means and the disc reader are parts of the disc reader system and are not part of the disc. Further, there is no disclosure that the data being read by the disc reader is image data, nor is there any disclosure or

suggestion that the data read by the disc reader is applied to the display means.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-8, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by   
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